

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

D.A.B.E., INC., etc., et al.,

Plaintiff,

Case No. 3:01 CV 7334

-vs-

O_R_D_E_R

TOLEDO-LUCAS COUNTY
BOARD OF HEALTH,

Defendant.

KATZ, J.

This case is before the Court subsequent to response by the Ohio Supreme Court on questions certified to it by this Court. This Court's first question certified was:

1. Does the Ohio Revised Code authorize or delegate to a local board of health of a general health district the authority to prohibit smoking in all public places as defined by the Regulation at issue herein?

The Supreme Court has answered that question in the negative, making moot the remaining three questions certified. *D.A.B.E., Inc. v. Toledo-Lucas Cty.Bd. Of Health*, 96 Ohio St. 3rd 250 (2002). As a result, the preliminary injunction previously granted should be and hereby is made permanent, and this case is closed.

IT IS SO ORDERED.

s/ David A. Katz
DAVID A. KATZ
U. S. DISTRICT JUDGE